



Agenda Date: 2/2/00
Agenda Item IV-A

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center
Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)	<u>RENEWAL</u>
COMCAST CABLEVISION OF CENTRAL NEW)	<u>CERTIFICATE OF APPROVAL</u>
JERSEY, INC. FOR A RENEWAL CERTIFICATE)	
OF APPROVAL TO CONTINUE TO CONSTRUCT,)	
OPERATE AND MAINTAIN A CABLE TELEVISION)	
SYSTEM IN AND FOR THE TOWNSHIP OF EAST)	
BRUNSWICK, COUNTY OF MIDDLESEX, STATE)	
OF NEW JERSEY)	DOCKET NO. CE99120928

Stryker, Tams and Dill, Newark, New Jersey, by Janice Manganello, Esq., for the Petitioner.

Township Clerk, Township of East Brunswick, New Jersey, by Elizabeth Kiss, for the Township.

BY THE BOARD:

On January 17, 1980, the Board granted Middlesex Cablevision, Inc. ("Middlesex") a Certificate of Approval in Docket No. 797C-6508, for the construction, operation and maintenance of a cable television system in the Township of East Brunswick ("Township"). On March 27, 1980, in Docket No. 803C-6656, the Board approved the acquisition of all outstanding stock of Middlesex by Storer Communications, Inc. Subsequently, on July 1, 1988, in Docket No. CM8605542, the Board approved an internal corporation reorganization of Middlesex, which allowed the company to assume the name Storer Cable Communications of Central New Jersey, Inc. d/b/a Storer Cable Communications ("Storer").

On August 6, 1990, the Board granted Storer a Renewal Certificate of Approval for the Township in Docket No. CE89080733. On November 30, 1992, in Docket No. CM92080843, the Board approved the petition of Comcast Cablevision (a 50% shareholder of the Certificate) and Storer to transfer all assets to Comcast Cablevision, Inc. On June 27, 1994, Storer notified the Board's Office of Cable Television that it would now be known as Comcast Cablevision of Central New Jersey, Inc. ("Petitioner"). Although the Petitioner's Certificate expired on January 17, 2000, it is authorized to continue to provide cable service to the Township pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Township on April 16, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township, after public hearing, adopted a municipal ordinance granting renewal consent to the Petitioner on October 25, 1999. On November 1, 1999, the Petitioner formally accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24.

On December 1, 1999, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, these qualifications were reviewed by the Township in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 15 years. The Office of Cable Television finds this period to be of reasonable duration.
5. The performance of the Petitioner with regard to the ordinance may be reviewed by the Township, which shall commence on the fifth anniversary of the issuance of this Certificate, and shall be completed no later than six months from that date. A review shall also be conducted at the tenth anniversary of this Certificate, and shall be completed no later than six months from that date. The Township shall provide written notification to the Petitioner and the Board of the commencement and completion of said review. If the Township determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, it must provide written notice and opportunity to cure to the Petitioner within 90 days. If, after such reasonable notice and opportunity to cure, the Petitioner still has not cured any such findings of non-compliance, the Township may petition the Board for appropriate administrative action.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(a), the ordinance specifies a complaint officer. In this case it is the Township Manager of Human Resources, Budget and Purchasing. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall establish and maintain a local business office within the Township for the purpose of receiving, investigating and resolving complaints. Currently, the local office is located at 3C Auer Court in the Township. This office shall be open a minimum of 40 hours a week and shall include evening and

Saturday hours. The Petitioner also maintains a local office at 90 Lake Drive in East Windsor.

9. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner has asserted that it has completed a rebuild and/or upgrade to 750 MHz of the plant in the Township utilizing a "fiber to the node" design.
11. The Petitioner shall provide service in accordance with the line extension policy attached to the Certificate (Appendix "I"). The minimum homes per mile figure ("HPM") is 35.
12. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall provide one dedicated channel, Channel 3, for PEG access programming, for exclusive use by the Township's Cable Television Channel. The Petitioner shall bear all costs associated with repositioning the Township's channel from Channel 8 to Channel 3. Within 12 months of issuance of this Certificate, the Petitioner shall pay to the Township the sum of \$50,000.00 for the relocation. If the Petitioner requires Channel 3, it shall pay all costs for repositioning the channel back to Channel 8.
13. The Petitioner shall provide technical assistance to the Channel 3 video staff on an as needed basis.
14. The Petitioner shall maintain the equipment, a modulator and permanent wiring and the signal integrity between the Municipal Court Room and the Library. The Petitioner shall provide technicians to correct signal problems on this line within 24 hours of request. If the Township moves the location of Council meetings or the library, the Petitioner shall pay for relocation.
15. Within 12 months of the issuance of this Certificate, the Petitioner shall pay to the Township a one-time capital contribution in the amount of \$215,000.00 for purchase of equipment, to support access programming or to be otherwise used for cable-related purposes as the Township sees fit.
16. The Petitioner maintains a fully equipped operational local production studio for creation of local and access programming.
17. The Petitioner shall provide the installation and expanded basic service to at least one outlet, free of charge, to the following: each public and private school; Township Library; Municipal Building; Public Safety; Senior Center; Parks Building; Public Works; Recreation; Daisy (recreational program for challenged youth); Rescue Squad Building; Board of Education Administration Building; and each fire company building. If municipal or educational facilities are relocated, the

Petitioner shall provide free installation and service to such facilities.

18. Upon written request of the Township, the Petitioner shall appear, at least once annually, at a public meeting of the governing body, to discuss matters pertaining to the provision of cable service to the residents of the Township and other related issues.
19. The Petitioner shall provide one free basic Internet access service, via high-speed modem, to one non-networked personal computer to each public and private school and library in the Township for the use of students and not for administrative purposes only. If the Township School District decides not to receive a free connection to each school, the Township may place the equivalent number of free connections in publicly accessible locations to be mutually agreed upon by the Township and the Petitioner.
20. The Petitioner shall provide a 10% discount on limited and standard service to those Township residents that meet the eligibility requirements of the New Jersey Pharmaceutical Assistance for the Aged and Disabled program.

Based upon these findings, the Board HEREBY CONCLUDES that pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions, and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof, shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions, and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on January 17, 2015.

DATED: February 2, 2000

BOARD OF PUBLIC UTILITIES
BY:

(signed)

HERBERT H. TATE
PRESIDENT

(signed)

CARMEN J. ARMENTI
COMMISSIONER

(signed)

FREDERICK F. BUTLER
COMMISSIONER

ATTEST:

(signed)

EDWARD D. BESLOW
ACTING SECRETARY